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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,481

02/10/2004

Wen Hsiang Yuch

MR1957-845

8938

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09/27/2006

ROSENBERG, KLEIN & LEE

3458 ELLICOTT CENTER DRIVE-SUITE 101

ELLICOTT CITY, MD 21043

EXAMINER

VO, THANH DUC

ART UNIT

PAPER NUMBER

2189

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,481

Applicant(s)

YUEH, WEN HSIANG

Examiner

Thanh D. Vo

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the Amendment filed on July 10, 2006. Claims 4-10 have been canceled. Claims 1 and 3 have been amended. Claims 1-3, 11, and 12 are presented for examination. Claims 1-3, 11, and 12 are pending.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

Rejections and objections are maintain as follow:

Claim Objections

3. Claims 1-3, 11, and 12 are objected to because of the following informalities:

The term "coupled" in page 3, line 1 should be - sent.

The term "coupling" in page 3, line 3 should be – sending.

All dependent claims are objected to as having the same deficiencies as the claims they depend from.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shearer et al. (US 2003/0224726) in view of Ng et al. (US 2004/0254661).

As per claim 1, Shearer et al. teaches a device in a cassette tape adapted for wireless communication with a blue tooth equipped cellular phone and a blue tooth equipped data processing device and having an incoming call displaying function, said device having earphone comprises:

a memory control module (Fig. 1, item 130) coupled to at least one memory for storing a digital data (paragraph 0023, lines 1-2, wherein a memory control module is to received a data signal; a memory is inherent in the system in order to store the received data to be processed);

a signal processing module (paragraph 0023, lines 2-4, transceiver) coupled to said earphone and said memory control module for processing said digital signal, said signal processing module including (a) a voice transmission and encoder/decoder unit used to encode/decode a voice and convert data between a digital format and an analog format (paragraph 0023, lines 9-19);

a blue tooth module (paragraph 0021, lines 5-7) coupled to said memory control module through a first output and said signal processing module through a second output for (a) receiving a remote data signal from the cellular phone and replying with a modulation signal, the remote data signal being coupled to said signal processing module through said second output (paragraph 0021, lines 5-12);

a monitor coupled signal processing module for displaying broadcast information produced after processing incoming call information responsive to receiving said remote data signal from the cellular phone (paragraph 0025, lines 7-11).

Shearer et al. further discloses that the invention further encompasses other blue tooth devices such as PDAs, MP3 player, pager, for which a received audio or text data signal will be forwarded to the signal processing device. See paragraph 0028.

Shearer et al. did not explicitly disclose an MP3 personal storage device adapted for wireless communication with a blue tooth equipped cellular phone having a microphone comprises:

an MP3 decoder used to decode an MP3 digital file to a voice signal for output to said earphone;

receiving MP3 encoded data from the data processing device and coupling said received MP3 encoded data to said memory control module through said first output;

Ng et al. discloses an MP3 personal storage device (Fig. 4, item 40) adapted for wireless communication with a blue tooth equipped device (Fig. 4, item 30) having a microphone (Fig. 4, item 440) comprises:

an MP3 decoder used to decode an MP3 digital file to a voice signal for output to said earphone (Fig. 4, item 420);

receiving MP3 encoded data from the data processing device and coupling said received MP3 encoded data to said memory control module (See the processes in Fig. 3);

It would have been obvious to one having an ordinary skill in the art at the time of the Applicant's invention to modify the system of Shearer et al. to combine with the system of Ng et al. in order to arrive at the current invention. The motivation of doing so is to have an MP3 player that is capable of playing the music and receiving a phone call utilizing a well-known and useful blue tooth technology to wirelessly transmitting data through a short range distance from a cell phone so that the user can enjoy the simplicity while carrying a phone and a portable music player.

As per claim 2, Ng et al. discloses an MP3 personal storage device as in claim 1, wherein said memory control module is a card reader, said memory is a memory card (Fig. 2, item 320) detachably inserted to said card reader for expanding content of said memory card. See paragraph 0027, lines 7-11, wherein a flash card requires a card reader in order to read the data off of the memory card.

As per claim 3, Ng et al. discloses an MP3 personal storage device as in claim 1, wherein said memory is a flash memory card. See Fig. 2, item 320.

As per claim 11, Ng et al. discloses an MP3 personal storage device as in claim 1, wherein said remote data signal includes first voice signals coupled to said earphone through said signal processing module, and said modulation signal includes second voice signals coupled from said microphone through said signal processing module.

See Fig. 4, item 430 and 440, and paragraph 0026, lines 5-12 and paragraph 0030, lines 1-6.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shearer et al. (US 2003/0224726) in view of Ng et al. (US 2004/0254661) and further in view of Luman et al. (US Patent 6,981,259).

As per claim 12, although neither Shearer et al. and Ng et al. disclose an MP3 personal storage device as in claim 1, wherein said signal processing module interrupts coupling of said voice signal derived from said MP3 digital file to said earphone and outputs voice signals included in said remote data signal to said earphone responsive to receipt of said remote data signal from the cellular phone, said signal processing module again outputting said voice signal derived from said MP3 digital file to said earphone responsive to termination of receipt of said remote data signal from the cellular phone.

However, Luman et al. discloses a method of interrupting the music with the audio portion of the telephone call on the MP3 player.

Therefore, it would have been obvious to one having an ordinary skill in the art at the time of the Applicant's invention to modify the system of Shearer et al. and Ng et al. to combine with the method of Luman et al. to arrive at the current invention. The motivation of doing so is to enable the user to listen to the phone call without interference of the music file being played in the MP3 player.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

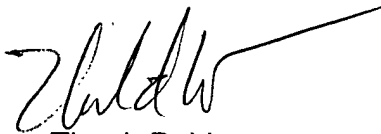
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh D. Vo whose telephone number is (571) 272-0708. The examiner can normally be reached on M-F 9AM-5:30PM.

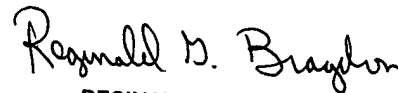
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald G. Bragdon can be reached on (571) 272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2189

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thanh D. Vo
Patent Examiner
AU 2189
9/21/2006



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